

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

- v. - :

ANGELA HUANG, : S2 06 Cr. 1006 (RJS)

a/k/a "Angela Hung," :

a/k/a "Angela Lu," and :

FUYIN HUANG, :

Defendants. :

- - - - -x

**JOINT PROPOSED EXAMINATION  
OF PROSPECTIVE JURORS**

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Fuyin Huang

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The Government and defendants Angela Huang and Fuyin Huang jointly request that the Court include the following questions in its examination of prospective jurors pursuant to Rule 24(a) of the Federal Rules of Criminal Procedure. In instances where the parties disagree about a particular question, the Government's proposed question, or its objection, is set forth in plain courier font; and the defendants' proposed question, or their objection, is set forth in italicized courier font.

The Court is requested to pursue more detailed questioning if a particular juror's answer reveals that further inquiry is appropriate and, in such an instance, to conclude with an inquiry whether the particular fact or circumstance would influence the juror in favor of or against either the Government

or the defendant, or otherwise affect the juror's ability to serve as a fair and impartial juror in this case.

### The Charges

1. This is a criminal case. The defendants on trial, ANGELA HUANG and FUYIN HUANG have been charged with the commission of federal crimes in an Indictment filed by a grand jury sitting in this District.

The Indictment is not evidence. It simply contains the charges that the Government is required to prove to the satisfaction of the trial jury beyond a reasonable doubt. I would like to summarize the charges in this case in order to determine whether there is anything about the nature of this case that may make it difficult or inappropriate for any of you to serve on the jury.

The Indictment in this case contains two counts. The Indictment alleges that, from on or about May 17, 2006 up to and including on or about July 26, 2006, the defendants ANGELA HUANG and FUYIN HUANG trafficked in goods and knowingly used a counterfeit mark in connection with those goods. Count One of the Indictment charges that, from on or about May 17, 2006 up to and including on or about July 26, 2006, the defendants ANGELA HUANG and FUYIN HUANG conspired with others to violate the

federal criminal laws prohibiting the trafficking in counterfeit goods.

Count Two charges that, from on or about May 17, 2006 up to and including on or about July 26, 2006, the same defendants trafficked in counterfeit goods and aided and abetted the commission of that crime. In particular, Count Two charges that the defendants sold over 1,100 counterfeit handbags out of a store located on 146 West 129th Street.

2. Does any juror have any personal knowledge of the charges in the Indictment as I have described them?

**Ability to Render a Fair Verdict**

3. The charges in this case involve the use of counterfeit marks owned by Coach, Burberry, Christian Dior, and Louis Vuitton, and a conspiracy to traffic in handbags displaying these counterfeit marks. Does any juror feel that he or she could not decide fairly and impartially a case involving such a charge? Has any juror formed an opinion that the action charged in the Indictment, as I have described it to you, should not be a crime, or that the laws governing this crime should not be enforced, or that this crime should not be prosecuted by the United States government?

4. Has any juror been involved in an offense involving theft, fraud, or counterfeit goods and services? Has any juror's relative, close friend or associate been involved in such offenses?

5. Has any juror worked for Coach, Burberry, Louis Vuitton, Christian Dior, or any other designer manufacturer of handbags? If so, at what company or entity and in what capacity? Does any juror have a relative, close friend or associate who has worked for any of these companies in any capacity?

**Trafficking In Counterfeit Goods**

6. This case involves an allegation that the defendants illegally trafficked in counterfeit handbags. Have you ever purchased, or received as a gift, a counterfeit trademarked item, such as a counterfeit or imitation handbag or purse, watch or sunglasses?

7. Has anyone ever shopped for, purchased, or owned designer merchandise or accessories such as handbags or wallets, including those manufactured by Coach, Burberry, Christian Dior, or Louis Vuitton?

8. Have you ever shopped for or purchased designer

merchandise such as handbags or wallets which you believed or suspected was counterfeit?

9. Does anyone own any stock in any company which manufactures or sells designer merchandise such as Coach, Burberry, Christian Dior, or Louis Vuitton?

10. Has anyone been employed by a company that sells or manufactures designer merchandise?

Defendant's Objections/Proposed Language

11. *Would each prospective juror accept that someone, even if selling counterfeit designer-type merchandise such as handbags and wallets, did not know that such merchandise was not genuine?*

12. *Would each prospective juror accept that someone selling designer-type merchandise such as handbags and wallets which me counterfeit, but appear to be genuine, sold them without suspecting or knowing whether or not they were genuine?*

13. *Would each prospective juror accept that among the*

*elements of the offense charged which must be proven by the government beyond a reasonable doubt is that the defendants knew that the merchandise was counterfeit.*

**Media**

14. There may have been press or media coverage of this case in the past. As a juror you have a strict obligation to decide this case based solely on the evidence here in court, and not on the basis of anything you may have heard or read outside the courtroom. If you have heard or read anything about the case, you will be asked to disregard it and not consider it in any way in connection with your duties as a juror. Have you heard, read or viewed anything about this case? What did you see or hear, and how long ago? Are you able to decide this case solely on the evidence, without influence from what you may have heard or read? Can you be a fair juror despite what you have heard or read? Is there anything about what you read or saw that would make it impossible to follow my instruction to decide the case solely on the evidence?

15. If you are seated on the jury, you will be under a strict obligation not to view, listen to or read any media coverage of the trial. You will also be under an obligation not to discuss the case with anyone until the jury retires to

deliberate. Is there any juror who believes that he or she could not follow such directions?

**Views on Certain Witnesses**

16. The witnesses in this case may include a person who has pleaded guilty to federal criminal charges. Will each of you accept the proposition that the Government's use of such witnesses is entirely lawful, and that your personal view - whether you approve or disapprove of the use of such witnesses - is beside the point and must not affect your evaluation of this case?

**Knowledge of the Trial Participants**

17. Does any juror know, or has he or she had any dealings, directly or indirectly, with the defendants ANGELA HUANG, a/k/a "Angela Hung," a/k/a "Angela Lu," and FUYIN HUANG or with any relative, friend or associate of any defendant?

18. Does any juror have any relatives, friends, associates, employers, or employees who know or who have any dealings with ANGELA HUANG and FUYIN HUANG, the defendants, or with any relative, friend or associate of any defendant?



19. The Government is represented here, as in all cases where it is a party before this Court, by the United States Attorney for the Southern District of New York, Michael J. Garcia. The conduct of the trial will be in the immediate charge of Assistant United States Attorneys Antonia Apps and Maria Douvas. They will be assisted by United States Secret Service Special Agent Sarah Cantwil, and Amy Young, a paralegal in the U.S. Attorney's Office. Do any of you know Mr. Garcia, Ms. Apps, Ms. Douvas, Ms. Cantwil, or Ms. Young? Have any of you had any dealings, either directly or indirectly, with any of these individuals?

20. The defendant ANGELA HUANG is represented by Stacey Van Malden, Esq., of the law firm of Goldberger & Dubin, P.C. in New York. Fuyin Huang is represented by Joel Mark Stein, Esq., a New York attorney. Do any of you know Ms. Van Malden or Mr. Stein? Has any juror had any dealings, either directly or indirectly, with any of these attorneys or individuals in their office?

21. In addition to the above-mentioned individuals, does any juror know of or has he or she had any dealings, either directly or indirectly, with the following persons and entities, who may be mentioned at trial or who may testify at trial:

[list to be supplied]

22. Does any juror have relatives, friends, associates, employers or employees who know or who have had any dealings with any of these individuals?

23. Does any juror work in law, law enforcement, the justice system or the courts, or have relatives, friends or associates who work in law, law enforcement, the justice system or the courts? In what capacity? Has any juror had any dealings with anyone who works in law, law enforcement, the justice system or the courts? What sort of dealings? Has any juror had any contact with anyone in law, law enforcement, the justice system or the courts that might influence your ability to judge this case?

**Relationship With Government**

24. Does any juror know, or have any association - professional, business, or social, direct or indirect - with any member of the staff of the United States Attorney's Office for the Southern District of New York, the United States Secret Service, the United States Customs and Immigration Enforcement, or the United States Customs and Border Protection? Are you or

any member of your family employed by any law enforcement agency, whether federal, state or local?

25. Have you, or has any member of your family, either as an individual or in the course of his or her business, ever been a party to any legal action or dispute with the United States or any of the officers, departments, agencies, or employees of the United States, or had any interest in any such legal action or dispute or its outcome? More specifically, have you, or has any member of your family, ever had such a dispute concerning money owed to you by the Government or owed by you to the Government?

26. Has any juror, either through any experience he or she has had or anything he or she has seen or read, developed any bias or prejudice for or against the United States Attorney's Office for the Southern District of New York, the United States Secret Service, the United States Customs and Immigration Enforcement, or the United States Customs and Border Protection?

**Prior Jury Service**

27. Have you ever at any time served as a member of a grand jury, whether in federal, state, county or city court? If so, when and where?

28. Have you ever served as a juror in a trial in any court? If so, in what court did you serve and was it a civil or criminal case? What type of case was it?

29. Did the jury reach a verdict?

**Experience as a Witness, Defendant, or Crime Victim**

30. Has any juror or any relative or close friend ever been involved or appeared as a witness in any investigation by a federal or state grand jury or by a Congressional or state legislative committee, licensing authority, or governmental agency, or been questioned in any matter by a federal, state, or local law enforcement agency?

31. Have you or has a relative or close friend ever been a witness or a complainant in any hearing or trial, state or local or federal?

32. Are you, or is any member of your family, or a close friend, now under subpoena or, to your knowledge, about to be subpoenaed in any criminal case?

33. Have you, or has any member of your family, any associate or close friend, ever been charged with a crime?

34. Has any juror or any relative, associate, or close friend ever been the subject of any investigation or accusation by any federal or state grand jury?

35. Has any juror, or any friend or relative of any juror, ever been a victim of a crime?

36. Does any juror have a problem with his or her hearing or vision, or any other medical problem, which would prevent him or her from giving full attention to all of the evidence at this trial? Is any juror taking any medication which would prevent him or her from giving full attention to all the evidence at this trial?

37. Does any juror have any difficulty in reading or understanding English in any degree?

**Function of the Court and Jury**

38. The function of the jury is to decide questions of fact. You are the sole judges of the facts and nothing that the Court or the lawyers say or do may encroach in any way on your role as the exclusive fact finders. However, when it comes to the law you must take your instructions from the Court and you are bound by those instructions. You may not substitute your

notions of what the law is or what you think it should be. At the conclusion of the case, your job will be to determine whether or not the defendants are guilty as charged in the Indictment.

39. Does any juror have any difficulty with that principle, or any problem in accepting and following the instructions of the law that I will give you in this case, whether you personally agree with them or not?

40. Will each juror accept the proposition that the question of punishment is for the Court alone to decide and that the possible punishment must not enter into the deliberation of the jurors as to whether the defendants on trial here are guilty?

41. It is not a particularly pleasant duty to find another individual guilty of committing a crime. Is there any juror who feels that even if the evidence established a defendant's guilt beyond a reasonable doubt, he or she might not be able to render a guilty verdict for reasons unrelated to the law and the evidence?

Defendant's Objections/Proposed Language

*By the same token, if the Government has failed to prove to you each element of the crimes charged, would have you have any problem brining back a verdict of not guilty?*

42. Does any juror have any religious, philosophical or other belief which would make him or her unable to sit in judgment of another or unable to render a guilty verdict for reasons unrelated to the law and the evidence?

Defendant's Objections/Proposed Language

43. *The defendants have an absolute right to remain silent during these proceedings. That means that you may not hear the defendant testify, to tell his or her side of the story. Do any of you feel that without such testimony, you could not render a fair verdict in this trial? Would the defendant's failure to testify prejudice you in any way towards such defendant?*

44. *Do each of you understand, right now, that each defendant is presumed innocent? That unless and until the Government proves each and every element of the crimes charged beyond a reasonable doubt that you must bring back a verdict of not guilty?*

Other Biases

45. In these questions, I have tried to direct your attention to possible reasons why you might not be able to sit as a fair and impartial juror. Apart from any prior questions, does any juror have the slightest doubt in his or her mind, for any

reason whatsoever, that he or she will be able to serve conscientiously, fairly, and impartially in this case and to render a true and just verdict without fear, favor, sympathy, or prejudice, and according to the law as it will be explained?

#### **Trial Schedule**

46. After the jury is selected, we will begin right away with opening statements and then the presentation of evidence. The trial in this case should last approximately one week. The Court expects that the court day will last from about [\_\_\_\_\_]. Is there any juror for whom the proposed trial schedule presents an insurmountable problem, one that would make it truly impossible for the juror to serve?

#### **Juror's Background**

47. The Government respectfully requests that the Court ask each juror to state the following information:

- (a) the juror's occupation;
- (b) the county and town of the juror's employer;
- (c) the period of employment with that employer;
- (d) the nature of the juror's work;
- (e) the same information concerning other employment within the last ten years;



(f) the same information with respect to the juror's spouse and any working children;

(g) the juror's current county or town of residence; how long he or she has lived there; the others with whom the juror lives; and the same information (if applicable) for the past ten years;

(h) the educational background of the juror, including the highest degree obtained;

(i) the newspapers or magazines that the juror typically reads.

**Requested Instruction Following  
Impanelling of the Jury**

48. From this point on until you retire to deliberate on your verdict, it is your duty not to discuss this case and not to remain in the presence of other persons who may be discussing this case. This rule about not discussing the case with others includes discussions even with members of your own family or friends.

49. If at any time during the course of this trial, any person attempts to talk to you or to communicate with you about this case, either in or out of the courthouse, you should immediately report such an attempt to me.

50. In this regard, let me explain to you that the attorneys and the defendants in a case are not supposed to talk

to jurors, even to offer a friendly greeting. So if you happen to see any of them outside this courtroom they will, and should, ignore you. Please do not take offense. They will only be acting properly by doing so.

Dated: New York, New York  
May 13, 2008

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By: /s/ Antonia M. Apps  
Antonia M. Apps  
Maria E. Douvas  
Assistant United States Attorneys  
Tel. Nos.: (212) 637-2198/2327

**CERTIFICATE OF SERVICE**

ANTONIA M. APPS declares as follows:

I am an Assistant United States Attorney in the United States Attorney's Office, Southern District of New York.

On in or about May 13, 2008, I caused a copy of the Parties' Joint Proposed Examination of Prospective Jurors to be made available for pick-up at the United States Attorney's Office for the individual listed below:

Stacy Van Malden, Esq.

Joel M. Stein, Esq.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
May 13, 2008

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By: \_\_\_\_/s/ Antonia M. Apps\_\_\_\_\_  
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